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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,408	02/20/2004	Jon-David Kehoe	60,427-619; 2004P02737US	6352
24500	7590	10/25/2005	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,408

Applicant(s)

KEHOE ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 and 19-26 are again rejected under 35 U.S.C. 102(b) as being anticipated by either Mailey (5,333,965) or Hill (5,628,533).

Mailey teaches an integrally molded as part of a plastic member which is being fastened to another member (see Abstract) having a sleeve (25) projecting from the bottom wall (24), an attachment member with a protruding body portion (see 25 in Fig. 1) and a retention member (26) with a plurality of flanges (see 20 & 22 in Fig. 1) and spaced apart from one another and extending out from the body portion upon snap-fit connection (see col. 2, lines 46-67, col. 3, lines 23-43, col. 4, lines 6-26).

Hill teaches a mechanism for releasably connecting two components having an attachment including a body portion (42) having a retention member (44) with a plurality of flanges (47) spaced apart from each other and extending out radially from the body portion (42) (see Fig. 1, col. 3, lines 18-29 and line 66 through col. 4, line 16).

Regarding to the shape of the body portion to be “cylindrical” or the shape of the flanges having “arcuate” surface, it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications. See *Eskimo Pie Corp v. Levous et al* 3 USPQ 23.

Response to Amendment

Applicant's arguments filed on August 19, 2005 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts Bassi, Mailey and Hill discloses the attachment member having a cylindrical body portion that extends to a distal end having a retention member with a plurality of flanges spaced apart from one another, where the flanges extend out radially from the cylindrical body portion. The Examiner now drops Bassi since Bassi does not disclose the flanges being integral to the attachment member. The Examiner maintains Mailey and Hill as the primary references under the 102(b) rejections to show: Mailey teaches an integrally molded as part of a plastic member which is being fastened to another member (see Abstract) having a sleeve (25) projecting from the bottom wall (24), an attachment member with a protruding body portion (see 25 in Fig. 1) and a retention member (26) with a plurality of flanges (see 20 & 22 in Fig. 1) and spaced apart from one another and extending out from the body portion upon snap-fit connection (see col. 2, lines 46-67, col. 3, lines 23-43, col. 4, lines 6-26), as claimed. Hill teaches a mechanism for releasably connecting two components having an attachment including a body portion (42) having a retention member (44) with a plurality of flanges (47) spaced apart from each other and extending out radially from the body portion (42) (see Fig. 1, col. 3, lines 18-29 and line 66 through col. 4, line 16), as claimed.

Regarding to the shape of the body portion to be "cylindrical" or the shape of the flanges having "arcuate" surface, it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications. See Eskimo Pie Corp v. Levous et al 3 USPQ 23.

Applicant's arguments with respect to claims 1-12 and 19-26 have been considered but are moot in view of the rejection, as discussed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
October 21, 2005